

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:

CIVIL ACTION: 01-CV-12257-PBS

State of Nevada v. American Home Products, et al.,
CA No. 02-CV-12086-PBS (Nevada II), and

State of Montana v. Abbott Labs., Inc., et al.,
Cause No. CV-02-09-H-DWM (D. Mont.)

JOINT MOTION FOR DISMISSAL OF SICOR INC.

By and through their counsel, the States of Montana and Nevada (“States”) and defendant Sicor Inc. (“Sicor”), pursuant to Fed. R. Civ. P. 41(a)(2), hereby jointly move for an order of the Court dismissing defendant Sicor from this action. In support of this motion, the parties state as follows:

1. Sicor was named as a defendant in the above-referenced actions.
2. The States conferred with counsel for Sicor and agreed to dismiss its claims against Sicor in this action, with prejudice.
3. The parties agreed that each party will bear its own costs.
4. The dismissal has no effect on the States’ claims or allegations against any party other than Sicor in these actions.

WHEREFORE, the parties jointly request that the Court enter an order dismissing, with prejudice, Sicor Inc. A proposed order of dismissal is attached.

DATED: April 30, 2007

By /s/ Steve W. Berman
Steve W. Berman
Sean R. Matt
Jeniphr A.E. Breckenridge
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

By /s/ Jennifer G. Levy
Jennifer G. Levy
KIRKLAND & ELLIS
655 Fifteenth Street, NW
Washington, DC 20005
Telephone: (202) 879-5000
Facsimile: (202) 879-5200
Counsel for Sicor

Mike McGrath
Attorney General of Montana
Ali Bovingdon
Assistant Attorney General
Justice Building
215 North Sanders
P.O. Box 201401
Helena, MT 56920-1402
(406) 444-2026

COUNSEL FOR PLAINTIFF
STATE OF MONTANA

Catherine Cortez Masto
Attorney General of the State of Nevada
L. Timothy Terry
Deputy Attorney General
100 N. Carson Street
Carson City, Nevada 89701-4714

COUNSEL FOR PLAINTIFF
STATE OF NEVADA

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing, **JOINT MOTION FOR DISMISSAL OF SICOR INC**, to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on April 30, 2007, a copy to LexisNexis File & Serve for Posting and notification to all parties.

By _____ /s/ Steve W. Berman
Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
(206) 623-7292